

MEMORANDUM

DATE: August 11, 2010
TO: JCC Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: CBE 08-016 – Mr. John Anton

On April 9, 2008 the Chesapeake Bay approved a retaining wall with specific mitigation planting requirements. Mr. Anton is seeking relief from these requirements. The following information is given so that the Board may make a determination for this request:

1. The retaining wall (and associated bulkhead project) is completed and the disturbance for the project was approximately one half of what was anticipated (700 sf instead of 1410 sf).
2. He has in place the entire surety amount requested plus a fully executed Chesapeake Bay Restoration Agreement.

In reviewing this request, staff notes that standard mitigation ratios are 1 canopy tree, 2 understory trees, and 3 shrubs for every 400 sf of impact (mitigation unit). Using this standard, Mr. Anton's original mitigation rate should have been 4 mitigation units (1410/400) or 4 canopy trees, 8 understory, and 12 shrubs. In this case, the Board approved a mitigation rate that was double the standard rate (see condition 6).

Mr. Anton is seeking to have his mitigation rate be equal to the standard for the amount of disturbance he actually incurred. Based on an approximate 700 sf disturbance, the mitigation rate would be 2 units, and his mitigation requirement would be 2 canopy trees, 4 understory trees, and 6 shrubs.

Staff concurs with Mr. Anton's request to modify the approved Chesapeake Bay Resolution, dated April 9, 2008 with the above stated mitigation rate.